

LAKE COUNTY PLANNING AND COMMUNITY DESIGN STAFF ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

LAKE COUNTY ZONING BOARD
August 1, 2007



BOARD OF COUNTY COMMISSIONERS
August 28, 2007

Case: CUP #07/	Case Manager: Rick Hartenstein, Senior Planner	Agenda Item #
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- Application Request -

Owner:	Paul and Marnie Lewis (the "Owner")	Applicant:	Paul and Marnie Lewis (the "Applicant")
Future Land Use:	Rural	Zoning District:	Agriculture (A)
Land Use Density:	1 dwelling unit/ 5 acres	Zoning Density:	1 dwelling unit/ 5 acres

Requested Action: The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture Zoning District to allow for a pet resort & spa (kennel) and caretaker's residence associated with the pet resort & spa.

- Site Information -

Size of Parcel: 9 +/- acres

Map Location: Section 34 - Township 18S - Range 27E

Location: East Eustis area – property located on the east side of CR 439 approximately 1,000 feet north of CR 44A, AK# 3861884.

Joint Planning Area: N/A

Utility Area: N/A

Site Utilities: Individual wells and septic systems

Road Classification: Minor Collector (CR 439)

Site Visit: June 12, 2007 **Sign(s) Posted:**

Commissioner's District: 5 (Cadwell)

SURROUNDING LAND USE		SURROUNDING ZONING	
NORTH	Low Density Residential	NORTH	Agriculture
SOUTH	Low Density Residential and Agriculture	SOUTH	Agriculture
EAST	Low Density Residential and Agriculture	EAST	Agriculture
WEST	Low Density Residential and Agriculture	WEST	Agriculture

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with conditions** of the request for a CUP in the Agriculture Zoning District to allow a pet resort and spa (kennel) together with a caretaker's residence as an accessory use. The owner shall adhere to the conditions as set forth in the attached Ordinance.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting a Conditional Use Permit (CUP) to allow for a pet resort & spa (kennel) and a caretaker's residence as an accessory use to the pet resort & spa, as demonstrated on the submitted conceptual plan (Exhibit "B"). The subject parcel is approximately nine (9) acres in size and is located in the East Eustis Area and is within the Rural Future Land Use Category (FLUC). Table 3.01.03 of the Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses, allows kennels/catteries in the Agriculture Zoning District with the issuance of a CUP.

The Applicant is proposing a 75' x 100' 2-story structure, with the pet resort and spa located on the first floor and the caretaker's facility on the second floor. According to LDR Section 3.01.04 (1) and (18), the CUP shall address the maximum number of animals to be permitted in the kennel/cattery, the required setbacks, the impact which animal noise and odor may have upon adjacent property owned by others, and provision for the removal of animal waste and sewage. Based upon information provided by the Applicant, the maximum number of animals on-site would be up to fifty (50) overnight boarders with an additional 15-20 daycare dogs for a maximum of seventy (70) dogs at any given time and meets the requirements of LDR Section 3.01.04 (1) and (18).

Animal noise upon adjacent property owners is very difficult to define. However, the Applicant is proposing the incorporation of building materials, fencing, landscaping, and limitations placed on the number of animals in the outside exercise area, the design element together with the Applicant's management plan for excessive barking (Exhibit "C"), will likely reduce this impact significantly.

The issues of the CUP have been sufficiently addressed and the requirements of the LDRs will be enforced during the site plan review and approval process. Staff supports this request for a kennel and based on the findings of fact, offers a recommendation of **APPROVAL** with conditions as outlined in the attached ordinance.

- Analysis -

According to the Land Development Regulations, Section 14.05.03 Standards for Review, in reviewing the application for a Conditional Use Permit, the Zoning Board and the Board of County Commissioner's shall consider:

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

Kennels are a conditional use in the Agriculture Zoning District, pursuant to Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, providing that the conditions of Section 3.01.04 (18) are met. These conditions for a kennel include that the permit shall address the maximum number of animals to be permitted in the kennel (70), required setbacks (50' from CR 439 and 200' from the sides and rear property line), the impact which animal noise and odor may have upon adjacent property owned by others (sound proofing shall be incorporated into the building plans for the kennel building, landscape and natural buffers, and excessive barking management plan), and provisions for the removal of animal waste and sewage.

Per LDR Table 3.02.06, Density, Impervious Surface, Floor Area, and Height Requirements, the requirements for the Agriculture Zoning District are: Density 1 dwelling unit/5 acres, FAR 0.10, Impervious Surface Ratio (ISR) 0.10, and building height is restricted to a maximum of forty (40) feet. The kennel building, including the dog run area, meet the floor area ratio (FAR) requirements, as well as all structures proposed for the property meet the impervious surface ratio requirements for the Agriculture zoning district. The kennel building and all kennel-related structures shall meet the required 200-foot setback from all adjacent boundaries of property owned by others and a minimum of fifty (50) feet from the right-of-way of CR 439. Based on staff's analysis of the submitted conceptual plan (Exhibit "B"), these requirements are being met.

The proposed use is consistent with the general purpose, goals, objectives and standards of the Comprehensive Plan Policy 1-1.6, which promotes agricultural uses in the Rural FLUC and LDR Table 3.01.03, which permits a kennel with a conditional use permit in the Agriculture zoning district.

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

No evidence has been submitted that would deem this request as having an adverse effect on adjacent properties. Through the utilization of sound attenuation in the design of the kennel building, the setbacks for the building from adjacent properties, landscaping, and incorporating wetland areas for additional buffering, any undue adverse effects on nearby properties have been reduced to a minimum if not eliminated. The properties to the north are either vacant wooded parcels or developed as low-density residential. The property to the east is developed as low density residential with agricultural uses and is buffered by a large wetland area. The parcel to the west is developed as low density residential with

agricultural uses and is buffer by a wooded area adjacent to CR 439. The property to the south is developed as low density residential and would have the greatest potential for impacts. In addition to the methods stated above for the reduction of impacts, the property owner proposes their home to be constructed between the pet spa facility and the southern property line as shown on Exhibit B. This building will provide additional buffering.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The conditional use and its associated land uses are consistent and compatible with the surrounding land uses and development patterns. The property is located in a rural area of the County that is undeveloped and vacant land with the exception of sporadic large acre single-family residential home sites and farms. The current zoning of the subject parcel is Agriculture, thus approving the CUP will not change the nature of the surrounding area.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

The requirements of LDR Section 3.01.04 (1) and (18) are designed to protect surrounding properties from the adverse effects of a kennel by providing for a limit to the maximum number of dogs, requiring ample setbacks of the structures housing the animals, addressing the issues of noise attenuation and odor control, and provisioning for the removal of animal waste and sewage. The submitted Conceptual Site Plan, attached as Exhibit "B" of the ordinance demonstrates compliance with the dimensional requirements of this section. If this CUP is approved the remaining design requirements will be required in accordance with the requirements of LDR Section 14.09.00, the Site Plan review and approval process and the conditions as set forth in the attached ordinance.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.

As demonstrated on the Conceptual Plan (Exhibit "B"), the kennel building is located to provide maximum distances and buffering from adjacent properties. Through the requirement of sound attenuation design incorporated in the construction plan of the kennel building, natural buffers, and the excessive barking management plan, this should further eliminate any adverse impacts on neighboring properties.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

The proposed use of a kennel would not result in a significant additional demand on public facilities and services. Impacts, if any, will be addressed during site plan review.

The Public Works Department commented that paved access may be required during the site plans approval process.

The facility will be served by individual wells and septic systems. The Environmental Health Department commented that based on current rules, domestic and commercial waste must be disposed into an approved Department of Health/Lake County Health Department system. This issue will be addressed in detail by the Health Department during the site plan review and approval process.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is located approximately four (4) miles from Fire Station #21, a 24-hour manned station. Response time for this station is estimated at five (5) to ten (10) minutes. Public Safety and Emergency Services will address fire protection and access in detail during site plan review.

FINDINGS OF FACT: Staff has reviewed the application for the proposed conditional use permit and found:

1. The Application is consistent with Section 3.01.03 LDRs that permits a kennel facility in the Agriculture Zoning District with a conditional use permit;
2. The Applicant has demonstrated the provisions of Section 3.01.04 (18) LDRs have been met;

Therefore, based on these Findings of Fact, staff recommends **APPROVAL**.

WRITTEN COMMENTS FILED: **Supportive:** **Opposition:**

FINAL ACTION BCC: